

1 JOSEPH P. RUSSONIELLO (CASBN 44332)
2 United States Attorney

3 BRIAN J. STRETCH (CASBN 163973)
4 Chief, Criminal Division

5 JEFFREY R. FINIGAN (CASBN 168285)
6 Assistant United States Attorney

7 450 Golden Gate Avenue
8 San Francisco, California 94102
9 Telephone: (415) 436-7232
10 Facsimile: (415) 436-7234
11 Email: jeffrey.finigan@usdoj.gov

12 Attorneys for Plaintiff

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) Criminal No. CR 09-0379 MHP
18 Plaintiff,)
19 v.)
20 KELLY THOMAS,)
21 Defendant.)
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23 **STIPULATION AND [PROPOSED]
24 ORDER EXCLUDING TIME**

25 The above-captioned matter came before the Court on May 4, 2009, for initial
26 appearance. The defendant was represented by Rita Bosworth, Esq., and the government was
27 represented by Ben Tolkoff, Assistant United States Attorney. The matter was continued to June
28 29, 2009, at 10:00 a.m. for trial setting.

29 The Court made a finding that the time from and including May 4, 2009, through and
30 including June 29, 2009, should be excluded under the Speedy Trial Act, 18 U.S.C.
31 § 3161(h)(7)(A), because the ends of justice served by taking such action outweighed the best

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1 interest of the public and the defendant in a speedy trial. The finding was based on the need for
2 the defendant to have reasonable time necessary for effective preparation and for continuity of
3 counsel pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv).

4 The parties hereby agree to and request that the case be continued until June 29, 2009,
5 and that the exclusion of time until then be granted. The parties agree and stipulate that the
6 additional time is appropriate and necessary under Title 18, United States Code, § 3161(h)(7)(A),
7 because the ends of justice served by this continuance outweigh the best interest of the public and
8 the defendant in a speedy trial. This time exclusion will allow defense counsel to effectively
9 prepare, taking into account the exercise of due diligence, and will provide for continuity of
10 counsel for the defendant.

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12 DATED: 5/5/2009

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18 /s/
RITA BOSWORTH
Counsel for Kelly Thomas

19 DATED: 5/5/2009

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28 /s/
JEFFREY R. FINIGAN
Assistant U.S. Attorney

So ordered.

DATED: May 6, 2009

